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EVIDENCE—HOMICIDE—THREATS BY DECEASED.—*STATE v. TOLLA*, 62 ATL. 675 (N. J.). The defendant, a woman, had been previously assaulted several distinct times by the deceased. The defense tried to introduce evidence of the persistence of the debaucher, the constant repetition of the insult, and the wife's inability to put an end to the insult even in her husband's presence. *Held*, that in a homicide case, testimony of antecedent threats or acts of violence by the deceased against the defendant are not admissible, when it appears that at the time of the homicide there was no threat or act by the deceased, which, even in the light of any previous threats or acts could justify the homicidal act. *Garrison, Dixon, Bogert, Vredenburgh, and Vroom, JJ., dissenting.*

As a general rule the evidence of threats is admissible only where there is some other evidence of an overt act or hostile demonstration on the part of the deceased. *Wigmore on Evidence*, Sec. 110; *State v. Harrison*, 35 So. 560 (La.); *Gilmore v. People*, 124 Ill. 380. The dissenting judges based their opinion on the fact that the evidence ought to have been admitted, not as tending to justify the homicidal act, but because of the obvious bearing of such testimony upon the degree of the defendant's crime. Their opinion is supported by *Monroe v. State*, 5 Ga. 138, which holds that evidence of threats unaccompanied by any acts of aggression is admissible to show the state of feelings of the parties toward each other at the time of the killing. Evidence of this kind has also been admitted as furnishing a reasonable inference that the deceased sought the defendant for the purpose of executing those threats. *Liebert v. People*, 143 Ill. 571.

GAME—FEDERAL STATUTES—CONSTRUCTION.—*PEOPLE EX REL., SILZ v. HESTERBERG, SHERIFF.*—96 NEW YORK SUPPL., 286. *Held*, that U. S. Stat., providing that all dead bodies of foreign game animals, the importation of which is prohibited, or the dead bodies of wild game animals transported into any state or territory, shall, upon arrival in such state or territory, be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, relates to the transportation of game from one state to another, and has no application to the importation of game, which is not prohibited and which constitutes a conceded article of commerce, from a foreign country. *Miller and Jenks, JJ., dissenting.*

There seems to be no decisions, since this law was enacted, upon foreign importation, but it is generally held that an act prohibiting the having in possession of game birds, though brought from another state where the killing is not prohibited, is constitutional, and within the power of the legislature to pass, as it does not conflict with any law which Congress has enacted and is a power, which lying dormant, may be exercised by the state, *Phelps v. Racey*, 60 N. Y. 10; *State v. Farrell*, 23 Mo. App. 176; *Roth v. State*, 51 Ohio St. 209; *Magner v. The People*, 97 Ill. 320; *Commonwealth v. Hall*, 128 Mass. 410; *People v. O'Neil*, 71 Mich. 325, while upholding the constitutionality of such a statute, deny that the *prima facie* having in possession is sufficient to convict, holding that defendant may show that birds were killed in another state and not in violation of the law of such state. These decisions were rendered before the passage of the U. S. Statute, as above, and this act would seem to remove any doubt as to the constitutionality.